

**SANDERS LAW GROUP**

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File No.: 129236

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Michael Stewart,

Plaintiff,

v.

Project 1920, Inc. d/b/a Senreve,

Defendant.

Case No. 5:24-cv-00884-PCP

**PLAINTIFF'S RULE 26(f) REPORT  
AND PROPOSED SCHEDULING  
PLAN**

Judge: Hon. P. Casey Pitts

Complaint Filed: February 14, 2024

1 Plaintiff has been unable to meet and confer with defendant Project 1920,  
2 Inc. d/b/a Senreve (“*Defendant*”) pursuant to this Court's Order, Fed. R. Civ. Pro.  
3 26(f) and L.R. 16-9 and a default has been entered against Defendant. Therefore,  
4 Plaintiff solely submits this Rule 26(f) Report and Proposed Discovery Plan.

5 On January 16, 2024, Plaintiff emailed an audit letter to Defendant at  
6 hello@senreve.com requesting proof of licensing for Plaintiff’s copyrighted  
7 photograph. Plaintiff obtained this email address from Defendant’s website.  
8 Pursuant to Defendant’s privacy policy, if the public would like to register a  
9 complaint, they can contact its Privacy Compliance Officer at hello@senreve.com.  
10 See <https://www.senreve.com/pages/privacy>. Plaintiff did not receive any response  
11 to this audit letter.

12 Plaintiff then commenced this action upon the filing of a Complaint with this  
13 Court on February 14, 2024. *Dkt. No. 1*, et seq. The Clerk of the Court issued the  
14 requested summons on February 14, 2024. *Dkt. No. 5*. Defendant is a Delaware  
15 corporation with a registered agent of VCorp Services, LLC at 108 W. 13<sup>th</sup> Street,  
16 Suite 100, Wilmington, Delaware 19801. Defendant’s Delaware registered agent  
17 was served with process on February 16, 2024, and proof of such service was filed  
18 with the Court that day. *Dkt. No. 8*. As a result, Defendant’s Answer was due on or  
19 before March 8, 2024.

20 As a result of Defendant’s failure to appear or otherwise respond to the  
21 Complaint within the time prescribed by Rule 12(a)(1)(A)(ii) of the Federal Rules  
22 of Civil Procedure, Plaintiff filed a request for the clerk to issue a certificate of  
23 default against Defendant on March 12, 2024. *Dkt. No. 9*. The Clerk entered a  
24 notation of default on March 12, 2024. *Dkt. No. 10*.

25 Plaintiff mailed a copy of this Request for Default to Defendant to 441  
26 Jackson Street, San Francisco, California 94111. This is the principal address,  
27 mailing address, and registered agent’s address for Defendant on the California  
28

1 Secretary of State's website. This mailing was returned on March 28, 2024 with a  
2 notation of "return to sender" and "unable to forward." Plaintiff conducted  
3 research to find an alternative address for Defendant. Defendant's website directs  
4 the public to contact its Privacy Compliance Officer at 5684 Bay Street, Suite 665,  
5 Emeryville, California 94608. See <https://www.senreve.com/pages/privacy>.  
6 Plaintiff proceeded to mail the Request for Default to this address on April 10,  
7 2024. This mailing has not been returned.

8 Plaintiff also conducted research to determine a viable email address for  
9 Defendant. On March 29, 2024, Plaintiff's counsel sent an email to various potential  
10 email addresses for Defendant notifying it of the Clerk's entry of default and  
11 Plaintiff's willingness to discuss a potential settlement. *Attached hereto as Exhibit 1*  
12 *are true and accurate correspondence between Coral Chung and Plaintiff's counsel.*  
13 On April 4, 2024, Plaintiff received a response from Coral Chung at  
14 coral@senreve.com stating that Defendant was unaware of the lawsuit. *Id.* On April  
15 5, 2024, Plaintiff responded by explaining when and where Defendant was served  
16 with a copy of the Complaint and Summons, where the request for default was  
17 mailed to, and where the audit letter was sent prior to filing suit. *Id.* Plaintiff again  
18 stated his willingness to discuss a potential settlement. *Id.* Plaintiff did not receive  
19 any response from Ms. Chung or any other representative from Defendant after this  
20 April 5, 2024 correspondence.

21 After receiving no response from Defendant, Plaintiff filed a Motion for  
22 Default Judgment on May 7, 2024. *Dkt. No. 11.* A copy of this Motion was mailed  
23 to Defendant and emailed to Coral Chung.

24 Plaintiff apologizes for failing to request a continuance of the Case  
25 Management Conference sooner.  
26  
27  
28

1       **1. Jurisdiction and Service:**

2       This Court has subject matter jurisdiction over the federal copyright  
3 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331. No issue  
4 exists regarding personal jurisdiction or venue and all parties have been served.  
5

6       **2. Brief Statement of the Case:**

7       Plaintiff's claims arise from Defendant's unlawful expropriation and  
8 publication of one (1) copyright protected photograph created by Plaintiff. Plaintiff  
9 is a professional photographer by trade who is the legal and rightful owner of  
10 photographs he authors which he licenses to online and print publications. Plaintiff  
11 has invested significant time and money in building his photograph portfolio.  
12 Plaintiff has obtained active and valid copyright registrations from the United States  
13 Copyright Office (the "*USCO*") which cover many of Plaintiff's photographs, while  
14 others are the subject of pending copyright applications. Plaintiff's photographs are  
15 original, creative works in which Plaintiff owns protectable copyright interests.

16       Defendant is a handbag and accessory company that owns and operates a  
17 website known as senreve.com (the "*Website*") along with the @Senreve social  
18 media accounts on Instagram.com, Facebook.com, and Twitter.com (the  
19 "*Accounts*"). Upon information and belief, Defendant monitors the content on its  
20 Website and Accounts. Upon information and belief, Defendant has the legal right  
21 and ability to control and limit the infringing activities on its Website and exercised  
22 and/or had the right and ability to exercise such right.

23       On May 18, 2023, Plaintiff published a photograph of the American actress  
24 Angelina Jolie (the "*Photograph*"). Plaintiff applied to the United States Copyright  
25 Office (the "*USCO*") to register the Photograph and on August 13, 2023, the  
26 Photograph was so registered under Registration No. VA 2-361-925.  
27  
28

1 On August 9, 2023, Plaintiff observed the Photograph on the Website and  
2 the Accounts. The Photograph was displayed on the Website at URL:  
3 <https://www.senreve.com/pages/as-seen-on>. The Photograph was stored at URL:  
4 [https://www.senreve.com/cdn/shop/files/Angelina\\_Jolie.jpg?v=1684777134](https://www.senreve.com/cdn/shop/files/Angelina_Jolie.jpg?v=1684777134). The  
5 Photograph was displayed on the Accounts at URLs:  
6 [https://www.facebook.com/photo/?bid=292292177854831&set=pcv.29229218278](https://www.facebook.com/photo/?bid=292292177854831&set=pcv.2922921827854826)  
7 [54826](https://www.facebook.com/photo/?bid=292292177854831&set=pcv.2922921827854826), [https://www.instagram.com/p/CstsmuKR0z2/?img\\_index=1](https://www.instagram.com/p/CstsmuKR0z2/?img_index=1), and  
8 <https://twitter.com/senreve/status/1662159445227634688> (herein referred to as the  
9 “*Infringement*”). The Infringement is an exact copy of the entirety of Plaintiff’s  
10 original image that was directly copied and stored by Defendant on the Website  
11 and the Accounts. As of the date of this motion, the Photograph is still stored on  
12 Defendant’s Website and posted on the Accounts.

13 Plaintiff did not authorize Defendant’s use of his Photograph, license  
14 Defendant the right to use his Photograph in any manner, nor did he assign any of  
15 his exclusive rights in the Copyright to Defendant. a result of Defendant’s  
16 misconduct, Plaintiff has been substantially harmed.. Plaintiff has been deprived of  
17 the benefit of his work and copyright, to the extent that Defendant did not purchase  
18 a license from Plaintiff to use the Photograph and separately derived profits from the  
19 Infringement.

20  
21 **3. Legal issues:**

22 The key legal issue is whether Defendant willfully and intentionally copied  
23 and displayed Plaintiff's copyrighted Photograph on its Website and Accounts.  
24  
25  
26  
27  
28

1       **4. Motions:**

2           There is currently a pending Motion for Default Judgment. At this time,  
3 Plaintiff does not know what other motions would be required as Defendant has  
4 failed to appear, and no discovery has been conducted.  
5

6       **5. Amendment of the Pleadings:**

7           At this time, Plaintiff does not know whether the pleadings would need to be  
8 amended as Defendant has failed to appear or otherwise substantively discuss this  
9 matter with Plaintiff.  
10

11       **6. Evidence Preservation:**

12           Plaintiff has reviewed the Guidelines Relating to the Discovery of  
13 Electronically Stored Information pursuant to Fed. R. Civ. P. 26(f).  
14

15       **7. Disclosures:**

16           The parties have not yet exchanged initial disclosures but will do so per the  
17 code if Defendant appears in this action.  
18

19       **8. Discovery:**

20           The parties have not yet engaged in discovery in this matter. Plaintiff intends  
21 to conduct discovery on the following topics, including through interparty written  
22 discovery, third-party written discovery, and depositions: (1) Internal policies and  
23 procedures regarding copyright compliance; (2) Complaints and demand letters  
24 received regarding intellectual property infringement; (3) Analytics for  
25 Defendant's Website and Accounts; (4) The status/titles of the individuals who  
26 posted Plaintiff's Photograph and the nature of their relationship with Defendant;  
27 (5) The ownership and payment for the domain name for Defendant's Website,  
28

1 including the billing records from the domain name registrar; (6) Ownership,  
2 creation and operation of Defendant's Website and Accounts, including contracts  
3 and billing records for website developers and users; (7) Persons responsible for  
4 creating and maintaining content on Defendant's Website and Accounts; (8)  
5 Defendant's relationship with vendors and other retailers; and (9) Any other issues  
6 attendant to the claims set for in Plaintiff's Complaint and any Answer to the  
7 Complaint and Affirmative Defenses that may be filed by Defendant in the future.

8 At this time, Plaintiff does not anticipate any issues about disclosure or  
9 discovery of electronically stored information.

10  
11 **9. Class Actions:**

12 This case is not a class action matter.

13  
14 **10. Related Cases:**

15 There are no related cases or proceedings pending before another judge of  
16 this court, or before another court or administrative body.

17  
18 **11. Relief:**

19 Plaintiff is entitled to an award of actual damages and disgorgement of all of  
20 Defendant's profits attributable to the infringements as provided by 17 U.S.C. §  
21 504 or, in the alternative, at Plaintiff's election, for each of its timely registered  
22 images, an award for statutory damages against Defendant in an amount between  
23 \$750 and \$30,000 for each non-willful infringement and up to \$150,000.00 for  
24 each willful infringement pursuant to 17 U.S.C. § 504(c). Plaintiff is also entitled  
25 to the costs of litigation and reasonable attorney's fees pursuant to 17 U.S.C. §505.  
26  
27  
28

1 **12.Settlement and ADR:**

2 Plaintiff is willing to engage in informal settlement negotiations and has  
3 relayed the same to Defendant. If Defendant appears in this action, Plaintiff  
4 believes a panel mediator would be appropriate.  
5

6 **13.Other References:**

7 Plaintiff does not believe that this case is suitable for reference to binding  
8 arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.  
9

10 **14.Scheduling:**

11 See Exhibit A.  
12

13 **15.Trial:**

14 Plaintiff requests that this case be tried by a jury and anticipates that trial  
15 will last approximately three court days.  
16

17 **16.Disclosure of Non-Party Interested Entities or Persons:**

18 Plaintiff has filed his “Certification of Interested Entities or Persons”  
19 required by Civil Local Rule 3-15. The following persons and corporations are  
20 known interested parties:

- 21
- 22 • Craig Sanders, Esq.
  - 23 • Jacqueline Mandel, Esq.
  - 24 • Michael Stewart
  - 25 • Project 1920, Inc.

26 **17.Professional Conduct:**

27 Plaintiff has reviewed the Guidelines for Professional Conduct for the  
28 Northern District of California.



**18. Other issues:**

At this time, Plaintiff is unaware of any other matters which the Court should take into account in setting the schedule.

DATED: May 9, 2024

**SANDERS LAW GROUP**

By: /s/ Jacqueline Mandel  
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Email: jmandel@sanderslaw.group  
*Attorneys for Plaintiff*

## EXHIBIT 1

Jacqueline Mandel

To: 'Coral Chung'  
 Subject: RE: Michael Stewart v. Project 1920, Inc. - Northern District of California Case No. 5:24-cv-00884

Jacqueline Mandel, Esq.  
**SANDERS LAW GROUP**  
 333 Earle Ovington Boulevard | Suite 402 | Uniondale, NY 11553  
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From: Jacqueline Mandel  
 Sent: Friday, April 5, 2024 8:48 AM  
 To: 'Coral Chung' <[coral@senreve.com](mailto:coral@senreve.com)>  
 Subject: RE: Michael Stewart v. Project 1920, Inc. - Northern District of California Case No. 5:24-cv-00884

Hi Coral,

According to the Delaware Secretary of State website, Project 1920, Inc's registered agent is VCORP Services, LLC at 108 W. 13<sup>th</sup> Street, Suite 100, Wilmington, Delaware 19801. A copy of the complaint and summons were served at this location on February 16, 2024. Thus, Defendant must have filed an answer by March 8, 2024. Since we received no correspondence from Defendant, we filed a request for the clerk to enter default, which it did. We mailed a copy of this request for default to Defendant at 441 Jackson Street, San Francisco, California 94111 on March 12, 2024.

Prior to filing the lawsuit, we emailed a demand letter to [hello@senreve.com](mailto:hello@senreve.com) on January 16, 2024. As we received no response to this letter, we filed the lawsuit. This lawsuit has already been filed so simply removing our client's copyrighted work is not enough to dismiss this case. The filing and service fees alone were \$500. Please let me know if Defendant is interested in resolving this matter economically or if we should go forward requesting that the Court enter a default judgment against Defendant.

Jacqueline Mandel, Esq.  
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 333 Earle Ovington Boulevard | Suite 402 | Uniondale, NY 11553  
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From: Coral Chung <[coral@senreve.com](mailto:coral@senreve.com)>  
 Sent: Thursday, April 4, 2024 7:13 PM  
 To: Jacqueline Mandel <[jmandel@sanderslaw.group](mailto:jmandel@sanderslaw.group)>  
 Subject: Re: Michael Stewart v. Project 1920, Inc. - Northern District of California Case No. 5:24-cv-00884

Hi Jacqueline,

We are not aware of this and have not received any documents or have been served previously. We have removed the Jolie image from the website.

On Mar 29, 2024, at 7:28 AM, Jacqueline Mandel <[jmandel@sanderslaw.group](mailto:jmandel@sanderslaw.group)> wrote:

Good Morning,

Plaintiff initiated the above referenced case on December 22, 2023. As Defendant was served with a copy of the complaint and failed to timely respond thereto, the Clerk has entered a default against it. We would like to reach a resolution in this matter before filing a motion for default judgment and having a judgment issued against Defendant. Please contact me at your earliest convenience so we may discuss this matter.

Thank you,

Jacqueline Mandel, Esq.  
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**PROPOSED SCHEDULE OF PRETRIAL AND TRIAL DATES**

CASE NAME: Michael Stewart v. Project 1920, Inc.

CASE NO: 5:24-cv-00884-PCP

<b>Matter</b>	<b>Deadline</b>	<b>Plaintiff(s) Request</b>	<b>Defendant(s) Request</b>
Last Day to File Motions to Add Parties and Amend Pleadings	Scheduling Conference Date plus 60 Days	7/15/24	
Fact Discovery Cut-Off	18 weeks before the Final Pretrial Conference ("FPTC")	1/14/25	
Last Day to Serve Initial Expert Reports	16 weeks before the FPTC	1/28/25	
Last Day to File Motions (except Daubert and all other Motions in Limine)	16 weeks before the FPTC	1/28/25	
Last Day to Serve Rebuttal Expert Reports	12 weeks before the FPTC	2/25/25	
Last Day to Conduct Settlement Proceedings	9 weeks before the FPTC	3/18/25	
Expert Discovery Cut-Off	8 weeks before the FPTC	3/25/25	
Last Day to File Daubert Motions	7 weeks before the FPTC	4/1/25	
Last Day to File Motions in Limine (other than Daubert Motions)	4 weeks before the FPTC	4/22/25	
Pretrial Conference		5/20/25	
Trial			